"A" Collection

PRESERVED

G. R. S. App. F. IX-4]

Previous References.

194

(Legis)

File No. 31 4

Serial Nos. 1

Later References.

(39)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. one only

Part B for

SUBJECT.

The Mysore Labour Emergency Amendment Act (I) 1944

Do

The Bombay Mysore Cigarettes

RL/223 regis dated 6th Jan 1962

Notice of publication

General and Revenue Secretariat
R. A. & L. C.

File N- 391/41 of 194

App. F. III-2

Serial No.

Bombay Act XVI of 1941 amending the Bombay Industrial Disputs Act, 1938 is submitted for perusal.

Sms 8.11.41

OFFICE OF THE MINISTER FOR LAW
NOV 8 1941
No. 4549

Minister for Law) Please keep for all the powers amending Act (Passed for Compulsory Arbitration)
Please put up a draft bill accordingly here for issue as emergency Act, as it will be required for [illegible] hours of work for War purposes.
12-11-41

Previous Emergency Act of the Bombay for is placed below. Sms 28.11.41.

Hm 2 13.11.41. Sms 13.11.41

A draft Bill is put up for consideration. It is for orders if the Bill after approval may be circulated and the previous approval of His Highness obtained and kept ready for issue as an Emergency Act when the need for it arises.

Sms 28.11.41.

Law. Secy)
The Bill may be kept ready for an emergency.

Minister for Law.) Hm 29.11.41. Sms 29.11.41

DEWAN'S OFFICE
RECD 1941
No. 4622

Bm 2/9/41

This is a Council matter and may be disp. of by circulation
Dewan

Hm 2 11/12/41. Sms 11.12.41

NOTE Contd Sheet.

File No. of 194

General and Revenue
Secretariat
R. A. & L. C.

Serial No.

For favour of circulation

Chief Secy.
MC.)

Hm
4.12.41.

BKR
4.12.41

CHIEF SECRETARY
4 DEC. 1941
GOVT. OF MYSORE

Submitted with a
circulation memo

9/12/41 Signed

For Disposal by Circulation.

No. C. 489

of 1941-42

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject.

THE MYSORE LABOUR (EMERGENCY) ACT.

Circulated to the Council of Ministers.

By Order,

M Visvanadham

4th December 1941.

Chief Secretary to Government.

Minister for Finance and Revenue. (Seen)

Minister for Law. (Seen)

3115/4.12.41 **Minister for Education.** 5.12.41

3386/5-12-41 **Minister for Local Self-Government and Public Health.** 6.12.41

Law Secy: with Compliments.

7.12.41

8.12.41

8-12-41

The Mysore Labour (Emergency Amendment) Act

General and Revenue Secretariat
R. A. & L. C.

File No. 391/41 of 194

App. F. III-2

DEWAN'S OFFICE
10. DEC. 1941
No. 5112

SECY. LAW DEPT.
10 DEC. 1941
GOVT OF MYSORE

DEC 11 1941
No. 5899

Serial No.

A D.F.N. is put up for Consideration

10/12/41

Secy (R & L C)

BKR 10-12-41

Law Secy)

D.F.N. submitted

Minister for Law.)

Hm 11/12/41.

F.N. signed.

BKR 11-12-41

11/12

F.N. submitted

Dewan)

Hm 11/12/41.

BKR

NOTE—Contn. Sheet

D.F.N.

Subject:- The Mysore Labour (Emergency) (Amendment) Act.

Leg 15/11/41.

Under section 10 of the Mysore Labour (Emergency) Act, any employer intending to effect any change in respect of an industrial matter mentioned in Schedule II appended to the Act, has to give notice of such intention to the registered association of the employees working in his undertaking. If the association does not agree to any such change, the Act provides for intervention by the Commissioner of Labour and if he also fails to effect agreement then for initiation of conciliation proceedings. One of the items mentioned in Schedule II is the total weekly hours of work.

In view of the present war conditions it is urgently necessary to stimulate production of certain goods in Mysore, both to ease the general price situation and to ensure adequate war supplies. In order to avoid the delay involved in the procedure outlined in the Mysore Labour (Emergency) Act, as well as to ~~avoid giving room for~~ remove the possibility of strikes or lock-outs ~~which such procedure may~~ in respect of such changes ~~involve~~, it ~~has been considered~~ is necessary to take power to exempt from the operation of the Act changes in the total weekly hours of work which may be ~~enforced~~ adopted in any particular factory ~~which is engaged in war supplies~~ under proper sanction under the Factories Act.

The Bombay Trade Disputes Act has been amended for this purpose

A Bill has ~~accordingly~~ been drafted to secure this object in suspense ~~and it has been decided to~~ will be put

it into force as an emergency measure should conditions in Mysore require it at any time.

The Dewan and the other Ministers are agreeable to this proposal and I solicit the gracious sanction of His Highness to it.

11-12-41

Minister for ~~Law~~.

10.12.41

11/12/41.

Final Note by the Minister for Law.

Subject.—

The Mysore Labour (Emergency) (Amendment) Act.

Under Section 10 of the Mysore Labour (Emergency) Act, any employer intending to effect any change in respect of an industrial matter mentioned in Schedule II appended to the Act, has to give notice of such intention to the registered association of the employees working in his undertaking. If the association does not agree to any such change, the Act provides for intervention by the Commissioner of Labour, and if he also fails to effect agreement, then for initiation of conciliation proceedings. One of the items mentioned in Schedule II is the total weekly hours of work.

In view of the present war conditions it is urgently necessary to stimulate production of certain goods in Mysore, both to ease the general price situation and to ensure adequate war supplies. In order to avoid the delay involved in the procedure outlined in the Mysore Labour (Emergency) Act, as well as to remove the possibility of strikes or lock-outs in respect of such changes, it is necessary to take power to exempt from the operation of the Act changes in the total weekly hours of work which may be adopted in any particular factory under proper sanction under the Factories Act. The Bombay Trades Disputes Act has been amended for this purpose. A Bill has been drafted to secure this object in Mysore. It will be put into force as an emergency measure should conditions in Mysore require it at any time.

R.
D

The Dewan and the other Ministers are agreeable to this proposal and I solicit the gracious sanction of His Highness to it.

MINISTER FOR LAW.

Bangalore,
12th December, 1941.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the amendment of the Mysore Labour (Emergency) Act, 1941, for His Highness's gracious sanction.

N. Madhava Rau

DEWAN.

Bangalore,
13th December 1941.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Amendment of the Mysore Labour (Emergency) Act, 1941.

Order.

18/12/'41.

No-451.

General and Revenue

Secretariat.

c 48.

SUBJECT:—

Amendment of the Mysore Labour (Emergency) Act, 1941.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

34. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

.....Law.....Department. 22/12/41

Minister for Finance and Revenue.

6343 / 23.12.41 Minister for Law. 23-12-41

3459 / 23.12.41 Minister for Education. 23.12.41

3902 / 29.12.41 Minister for Local Self-Govt. and Public Health. 29.12

Law Secy. with compliments

NOTE.—Contn. sheet

WD 04199—GPB—500—27-9-41

21.12.41 21/12

Amendment to Mysore Labour Emergency Act.

General and Revenue Secretariat R. A. & L. C. | File No. 391/42 | of 194 | App. F. III-2

Serial No.

The previous sanction of His Highness has been accorded on 18.12.41 to promulgate the Bill into law as an Emergency measure.

Reference is however invited to Clause 42 of the Mysore Labour Bill which has been passed by the Leg. This Bill has been submitted with a D.O. and may be expected to become law in the course of a week or 10 days. Thereafter the Emergency Act together with this Amendment will become repealed

It is for orders whether this Act has to be published now or whether it may be kept back and published if an Emergency which may arise before the principal measure becomes law necessitates such a step.

A

2.1.42

Secy RA & Le)

BKR 2.1.42

Law Secy)

This may be kept back for the present.

'A' may be approved.

Minister)

You may issue this for the Gazette. The main law may take a fortnight more

3.1.42.

3.1.42

4/1/42

HM 5.1.42.

Please put up a draft

BKR 5.1.42

DS.

SECY. LAW DEPT. 83 3 JAN 1942 GOVT OF MYSORE

JAN 3 1942 A. 6794

NOTE—Contn. Sheet.

✓ Re. Amendment to Mysore Labour Emergency Act.

Legis File No. 391 of 1941-42

General and Revenue Secretariat
R. A. & L. C.

Serial No.

Submitted with a draft notification for appl.

DSR
6.1.42

6.1.42

BXR
6.1.42

SECY. LAW DEPT. 125 6 JAN. 1942 GOVT OF MYSORE

Hm
6.1.42

DSR

BXR
6.1.42

The Compiler Mysore Gazette

Notn No RL 1232 Legis dated 6th Jany 1942 Publishing the Labour Emergency (Amendment) Act as Act No 1 of 1942 in the Mysore Gazette for general information.

For perusal by the Asst. Secy: Legislation
DSR
10.1.42

12.1.42

ARec

OFFICE OF THE SECRETARY
12 JAN. 1942
ASSEMBLY
LEGISLATIVE COUNCIL

NOTIFICATION.

Order No. R.L. 1232 - Legis dated, 6th Jan. 1942.

Ordered that the accompanying Mysore Labour (Emergency) (Amendment) Act, which received the assent of His Highness the Maharaja on the 18th day of December 1941 be published as Emergency (Amendment) Act, No. I of 1941 in the Mysore Gazette for general information.

By Order,

6.1.42

Secretary to Government,
Law Department.

6.1.42

To

The Compiler, Mysore, Gazette for publication in Part IV of the Gazette dated 8th Jan. 1942, in English and Kannada + for supply of spare copies in English + Kannada as per standing orders.

ACT I OF 1942 (Amendment)

THE MYSORE LABOUR (EMERGENCY) ACT, 1942.

(Received the assent of His Highness the Maharaja on the 18th December 1941).

Whereas the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action to amend the Mysore Labour (Emergency) Act, 1941 (XX of 1941);

Now, therefore, in exercise of the powers conferred by sub section (1) of section 31 of the Government of Mysore Act, 1940 (XVIII of 1940);

It is hereby enacted as follows:-

1. (1) This act may be called the Mysore Labour (Emergency) (Amendment) Act, 1942:

(2) It shall come into force at once.

2. In sub section (1) of section 10 of the Mysore Labour (Emergency) Act, 1941, (hereinafter referred to as the said Act), after the word "change" where it occurs for the first time the following shall be inserted, namely:-

'Not being a change the effecting of which has, for the purpose of the Factories Act, 1936, become lawful by reason of a notification issued under section 8 thereof,".

3. In sub-section (1) of section 21 of the said Act after the word "change" the following shall be inserted, namely:-

"Not being a change the effecting of which has, for the purposes of the Factories Act, 1936, become lawful by reason of a notification issued under section 8 thereof,".

Sd/- N. Madhava Rau

Dewan.

D82

15

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. L.L.1[illegible]/Legis. General and Revenue Secretariat,

Dated Bangalore, 6th January 19[illegible].

NOTIFICATION.

Ordered that the accompanying Mysore Labour (Emergency) (Amendment) Act, which received the assent of His Highness the Maharaja on the 10th day of December 1962 be published as Mysore (Emergency (Amendment) Act, No. I of 1963 in the Mysore Gazette for general information.

By Order,

B K Ramakrishnaraja

for Secretary to Government,
Law Department.

To the Compiler, Mysore Gazette, for publication in Part IV of the Gazette dated 8th January 1963, in English and Kannada and for supply of spare copies in English and Kannada as per standing orders.

ACT I OF 1942

THE MYSORE LABOUR (EMERGENCY)(AMENDMENT) ACT, 1942.

(Received the assent of His Highness the Maharaja on the 16th December 1941).

Whereas the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action to amend the Mysore Labour (Emergency) Act, 1941 (XX of 1941);

Now, therefore, in exercise of the powers conferred by sub section (1) of section 31 of the Government of Mysore Act, 1940 (XVIII of 1940);

It is hereby enacted as follows:-

1. (1) This Act may be called the Mysore Labour (Emergency) (Amendment) Act, 1942:

(2) It shall come into force at once.

2. In sub section (1) of section 10 of the Mysore Labour (Emergency) Act, 1941, (hereinafter referred to as the said Act), after the word "change" where it occurs for the first time the following shall be inserted, namely:-

"Not being a change the effecting of which has, for the purpose of the Factories Act, 1938, become lawful by reason of a notification issued under section 8 thereof,".

3. In sub section (1) of section 21 of the said Act after the word "change" the following shall be inserted, namely:-

"Not being a change the effecting of which has, for the purposes of the Factories Act, 1938, become lawful by reason of a notification issued under section 8 thereof,".

Sd/- M. Madhava Rau,

Dewan.

HKR.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. G.L.1838/Legis. General and Revenue Secretariat,

Dated Bangalore, 6th January 1940.

NOTIFICATION.

Ordered that the accompanying Mysore Labour (Emergency) (Amendment) Act, which received the assent of His Highness the Maharaja on the 18th day of December 1939 be published as Labour (Emergency (Amendment) Act, No. I of 1940 in the Mysore Gazette for general information.

By Order,

B K Ramakrishnaiya

Jr. Secretary to Government,
Law Department.

To the Compiler, Mysore Gazette, for publication in Part IV of the Gazette dated 9th January 1940, in English and Kannada and for supply of spare copies in English and Kannada as per standing orders.

ACT I OF 1942

THE MYSORE LABOUR (EMERGENCY)(AMENDMENT) ACT, 1942.

(Received the assent of His Highness the Maharaja on the 18th December 1941).

Whereas the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action to amend the Mysore Labour (Emergency) Act, 1941 (XX of 1941);

Now, therefore, in exercise of the powers conferred by sub section (1) of section 31 of the Government of Mysore Act, 1940 (XVIII of 1940);

It is hereby enacted as follows:-

1. (1) This Act may be called the Mysore Labour (Emergency) (Amendment) Act, 1942:

(2) It shall come into force at once.

2. In sub section (1) of section 10 of the Mysore Labour (Emergency) Act, 1941, (hereinafter referred to as the said Act), after the word "change" where it occurs for the first time the following shall be inserted, namely:-

"Not being a change the effecting of which has, for the purpose of the Factories Act, 1936, become lawful by reason of a notification issued under section 8 thereof,".

3. In sub section (1) of section 21 of the said Act after the word "change" the following shall be inserted, namely:-

"Not being a change the effecting of which has, for the purposes of the Factories Act, 1936, become lawful by reason of a notification issued under section 8 thereo:

Sd/- N. Madhava Rau,

Dewan.

NOTIFICATION.

31-41-1

Order No. R. L. 1232—*Legis.* *dated Bangalore, the 6th January* 1942.

Ordered that the accompanying Mysore Labour (Emergency) (Amendment) Act, which received the assent of His Highness the Maharaja on the 18th day of December 1941, be published as Emergency (Amendment) Act, No. I of 1942 in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT I OF 1942.

THE MYSORE LABOUR (EMERGENCY) (AMENDMENT) ACT, 1942.

(Received the assent of His Highness the Maharaja on the 18th day of December 1941.)

Whereas the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action to amend the Mysore Labour (Emergency) Act, 1941 (XX of 1941);

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 31 of the Government of Mysore Act, 1940 (XVIII of 1940);

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Labour (Emergency) (Amendment) Act, 1942.

(2) It shall come into force at once.

2. In sub-section (1) of section 10 of the Mysore Labour (Emergency) Act, 1941, (hereinafter referred to as

the said Act), after the word "change" where it occurs for the first time the following shall be inserted, namely:—

"Not being a change the effecting of which has, for the purpose of the Factories Act, 1936, become lawful by reason of a notification issued under section 8 thereof,"

3. In sub-section (1) of section 21 of the said Act after the word "change" the following shall be inserted, namely:—

"Not being a change the effecting of which has, for the purposes of the Factories Act, 1936, become lawful by reason of a notification issued under section 8 thereof,".

N. MADHAVA RAU,
Dewan.

Price: 0-0-3

Printed by the Superintendent at the Government Press, Bangalore.

No. XX OF 1941.*

The Mysore Labour (Emergency) Act, 1941.

(*Received the assent of His Highness the Maharaja on the 24th day of August* 1941.)

NOTIFICATION.

Order No. Rl. 460, dated 26th August 1941.

Ordered that the accompanying Mysore Labour (Emergency) Act, which received the assent of His Highness the Maharaja on the 24th day of August 1941, be published as Emergency Act No. XX of 1941, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XX of 1941.

The Mysore Labour (Emergency) Act, 1941.

(Received the assent of His Highness the Maharaja on the 24th day of August 1941.)

WHEREAS the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to make immediate provision for the promotion of peaceful and amicable settlement of industrial disputes by conciliation and arbitration and the organisation of industrial employees into associations to secure their welfare, and for certain other purposes hereinafter provided;

NOW THEREFORE in exercise of the powers conferred by sub-section (1) of section 31 of the Government of Mysore Act, 1940 (XVIII of 1940);

IT IS hereby enacted as follows:—

Short title, commencement, extent and application.

1. (1) This Act may be called the Mysore Labour (Emergency) Act, 1941.

(2) This section shall come into force at once. The Government may, by notification in the official Gazette, apply all or any of the other provisions of this Act from such date as may be specified in the notification.

(3) It extends to the whole of Mysore.

(4) It shall apply to all industrial undertakings, whether owned by a person or by the Government or by a local authority.

Recognition of association of employees.

2. (1) The right of employees in an industrial undertaking to combine into an association for the promotion of their common interests is hereby recognised and declared.

(2) The Government may, on the recommendation of the Commissioner of Labour, extend this right to employees in small industrial undertakings engaged in work of the same nature in any local area or to employees in industrial undertakings engaged in work of the same nature located in different areas.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(1) "award" means any interim or final determination in an Arbitration proceeding under this Act;

(2) "Board" means the Board of Conciliation appointed under this Act;

(3) "change" means a change in any industrial matter;

(4) "Commissioner of Labour" includes an Assistant Commissioner of Labour;

(5) "Conciliation proceeding" means any proceeding held by a Conciliator or the Board under this Act;

(6) "Conciliator" means any Conciliator appointed under this Act and includes the Chief Conciliator or a Special Conciliator;

(7) "Court" means a Court of Arbitration appointed under this Act;

(8) "employee" means any person employed to do any skilled or unskilled manual or clerical work for hire or reward in any industry and includes, for the purposes of any proceedings under this Act in relation to any industrial dispute, an employee discharged on account of such dispute relating to a change in respect of which a notice is given under section 10 whether before or after the discharge;

(9) "employer" includes—

(*a*) any agent of an employer;

(*b*) where an industry is conducted or carried on by a department of the Government, the authority prescribed in that behalf, and where no such authority has been prescribed, the head of such department;

(*c*) where an industry is conducted or carried on by or on behalf of a local authority, the Chief Executive Officer of such authority; or

(*d*) where the owner of any industry in the course of or for the purpose of conducting such industry contracts with any other person for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the said industry, the owner of such industry;

25

(10) "industrial dispute" means any dispute or difference between an employer and employee or employees, which is connected with any industrial matter;

(11) "industrial matter" means any matter relating to work, pay, wages, reward, hours of work, privileges, rights or duties of employers or employees, or the mode, terms and conditions of employment or non-employment and includes—

(*a*) all matters pertaining to the relationship between employers and employees, or to the dismissal or non-employment of any person;

(*b*) all matters as to the demarcation of functions of any employees or classes of employees;

(*c*) all matters pertaining to any right or claim under or in respect of or concerning an agreement, settlement or award made under this Act, and

(*d*) all questions of what is fair and right in relation to any industrial matter having regard to the interest of the person immediately concerned and of the community as a whole;

(12) "industrial undertaking" means a unit of industry under one employer in the same city, town or village;

(13) "industry" includes—

(*a*) any business, trade, manufacture or undertaking or calling of employers; and

(*b*) any calling, service, employment, handicraft or industrial occupation or avocation of employees;

(14) "local area" means an area notified as such by the Government;

(15) "lock-out" means the closing of a place or part of a place of employment or the total or partial suspension of work by an employer or the total or partial refusal by an employer to continue to employ persons employed by him, where such closing, suspension or refusal occurs in consequence of an industrial dispute and is intended for the purpose of compelling those persons or of aiding another employer in compelling persons employed by him to accept any term or condition of or affecting employment;

(16) "member" means a person who is an ordinary member of an association and who is paying subscription of not less than one anna per month and the term "membership" shall be construed accordingly, and shall include an honorary member holding an office in the association ;

(17) "prescribed" means prescribed by rules made under this Act ;

(18) "Registered Association" means an association of employees registered under this Act;

(19) "Registered Agreement" means an agreement registered under section 10 ;

(20) "Registrar" means the Registrar of Associations appointed under this Act ;

(21) "Schedule" means a schedule appended to this Act ;

(22) "settlement" means a settlement arrived at during the course of a conciliation proceeding ; and

(23) "strike" means a total or partial cessation of work by employees employed in an industry acting in combination or a concerted refusal or a refusal under a common understanding of employees to continue to work or to accept work where such cessation or refusal is in consequence of an industrial dispute in any industry and is intended for the purpose of compelling any employer to accept any term or condition of or affecting employment.

Commissioner of Labour : his powers.

4. (1) The Government shall appoint a person as Commissioner of Labour whose jurisdiction shall extend throughout Mysore.

(2) The Government may also appoint for any local area or otherwise one or more Assistant Commissioners of Labour who shall exercise such of the powers and perform such of the duties of the Commissioner as may be delegated by him, and subject to his control and supervision.

(3) For the purpose of exercising his powers and performing his duties, the Commissioner may, after giving reasonable notice, enter any place used for the purpose of any industry or as the office of any Registered Association and shall be entitled to call for and inspect all relevant documents which are necessary for the due discharge of his duties and powers under this Act. The Commissioner may for the same purpose enter, after giving reasonable notice, any premises provided by an employer for the purpose of residence of his employees.

27

(4) All particulars contained in or information obtained from any document inspected or called for under sub-section (3) shall, if the person in whose possession the document was, so requires, be treated as confidential.

(5) The Commissioner shall be entitled to appear in any proceeding under the Act and also to attend meetings of Registered Associations.

Commissioner's duties.

5. It shall be the duty of the Commissioner to help in organising association of employees in each industrial undertaking employing not less than 100 workmen, and to assist and guide the officers of Registered Associations in the discharge of their duties and in developing the work of such Associations.

Registrar of Associations.

6. (1) The Government shall appoint an officer to be Registrar of Associations for Mysore.

(2) He shall maintain a Register of Associations and such other Registers as may be prescribed.

(3) On receipt of an application from an association of employees for registration and on payment of the prescribed fee, the Registrar shall, if he is satisfied that the association fulfils the prescribed conditions, register the association and issue a certificate of registration.

(4) Every such Registered Association shall be a body corporate by the name under which it has been registered and shall have perpetual succession and a common seal with power to acquire and hold both movable and immovable property and to contract, and shall by the said name sue and be sued.

Provisions to be contained in the rules of an association.

7. An association shall not be entitled to registration under this Act unless the executive thereof is constituted in accordance with the provisions of this Act, and the rules thereof provide for the following matters, namely,—

(*a*) the name of the association;

(*b*) the whole of the objects for which the association has been established;

(*c*) the whole of the purposes for which the general funds of the association shall be applicable, all of which purposes shall be purposes to which such funds are lawfully applicable under this Act;

(*d*) the maintenance of a list of the members of the association and adequate facilities for the inspection thereof by the officers and members of the association;

(*e*) the admission of ordinary members who shall be members actually engaged or employed in the industrial

undertaking concerned and also the condition for the admission of honorary members as officers; provided that not more than two such members shall be so admitted into any association and provided further that no one shall be an honorary member of more than one association at the same time;

(*f*) the conditions under which any member shall be entitled to any benefit assured by the rules and under which any fine or forfeiture may be imposed on the members;

(*g*) the manner in which the rules shall be amended, varied or rescinded;

(*h*) the manner in which the members of the executive and the other officers of the association shall be appointed and removed;

(*i*) the safe custody of the funds of the association, an annual audit in such manner as may be prescribed, of the accounts thereof and adequate facilities for the inspection of the account books by the officers and members of the association;

(*j*) the manner in which the association may be dissolved; and

(*k*) the procedure to be followed before the association can call a strike, including a secret ballot of the members and the minimum votes necessary.

Objects on which general funds may be spent.

8. The general funds of a Registered Association shall not be spent on any other objects than the following, namely,—

(*a*) the payment of salaries, allowances and expenses to officers of the association;

(*b*) the payment of expenses for the administration of the association, including audit of the accounts of the general funds of the association;

(*c*) the prosecution or defence of any legal proceeding to which the association or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the association as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs;

(*d*) the conduct of labour disputes on behalf of the association or any member thereof;

(*e*) the compensation of members for loss arising out of labour disputes;

(*f*) allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment of such members;

(*g*) the provision of educational or social benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members);

(*h*) subject to any conditions contained in the notification, any other object notified by the Government in the official Gazette.

Standing orders regarding industrial matters.

9. (1) Within three months after the commencement of the Act, the employer in respect of every industrial undertaking employing not less than 100 workmen shall furnish the Commissioner with a statement of standing orders regulating the relations between him and his employees in respect of matters specified in Schedule I of this Act and simultaneously furnish a copy of the same in English and Kannada to the Registered Association of employees in his concern.

(2) The association shall submit to the Commissioner within 15 days of such receipt any points objected to by them as inconsistent with existing practice. The Commissioner shall thereupon hold a summary enquiry on such points, settle the standing orders as found by him and furnish both to the employer and to the association a copy of the standing orders as settled by him.

(3) The Commissioner shall send a copy of standing orders so settled to the Registrar, for registering them in a Register of Standing Orders and Agreements.

(4) The standing orders settled by the Commissioner of Labour under sub-section (2) shall be determinative of the relations between the employer and his employees, in all matters included therein.

Employers or employees desiring change in standing orders and other industrial matters to give notice.

10. (1) Any employer intending to effect any change in any standing order settled under section 9 or in respect of an industrial matter mentioned in Schedule II shall give notice of such intention in the prescribed form to the Registered Association. He shall send a copy of such notice to the Commissioner of Labour, the Chief Conciliator, the Registrar, and to such other person as may be prescribed. He shall also affix a copy of such notice at a conspicuous place in the premises where the employees affected by the change are employed for work and at such other place as may be directed by the Chief Conciliator in any case.

(2) A Registered Association desiring a change in any such standing order or in respect of any other industrial matter shall give notice in the form prescribed to the employer and shall also forward a copy of the notice to the Commissioner of Labour, the Chief Conciliator, the Registrar, and to such other person as may be prescribed.

(3) The Commissioner shall ascertain within 15 days after the receipt of such notice whether the proposed change is mutually agreed to between the employer and the Association and if so agreed to, send a copy relating to the change to the Registrar for registering it in the Register of Agreements and inform both parties. In case of disagreement within 15 days, he shall report to the Chief Conciliator for initiating conciliation proceedings under this Act.

(4) The employers and the Registered Association shall maintain records of all negotiations with each other and shall produce such records when called upon to do so during any subsequent proceedings under the Act.

Conciliators and Board of Conciliation.

11. (1) The Registrar of Associations shall be *ex-officio* Chief Conciliator in Mysore.

(2) The Government may, on the recommendation of the Chief Conciliator, appoint a Special Conciliator in respect of any dispute.

(3) During the pendency of any proceedings before the Conciliator under the foregoing provisions, the Government may, and if both the parties agree either prior to the commencement of such proceedings or after the failure of the Conciliator to bring about a settlement shall, refer the dispute to a Board of Conciliation consisting of three independent persons.

Conciliation proceedings.

12. (1) The Conciliator or the Board shall conclude the enquiry within one month of the initiation of conciliation proceedings or the appointment of the Board, as the case may be.

(2) If a settlement be reached in the conciliation proceedings, the Conciliator or the Chairman of the Board shall send a report of proceedings with a copy of the memorandum of settlement to the Registrar and to both the parties.

(3) The Registrar shall record the settlement in the Register of Agreements.

(4) Where the parties do not come to a settlement, the Conciliator or the Board shall submit a report to

Government through the Chief Conciliator and such report shall be published in the official Gazette not later than the second issue after the date of receipt of the report.

Court of Arbitration and proceedings in Arbitration

13. (1) The Government may constitute a Court of Arbitration for determining industrial disputes.

(2) At any time during the progress of the conciliation proceedings, the employer and the Association concerned may jointly apply to the Chief Conciliator for referring the point in dispute to arbitration, forthwith.

(3) The Chief Conciliator shall thereupon submit the application to the Government who shall refer it to the Court of Arbitration or to the Sole Arbitrator, if one is mentioned in the application.

(4) The Court of Arbitration or the Sole Arbitrator shall certify its or his award to the Registrar and to the parties in dispute.

(5) The Registrar shall record the Award in the Register of Agreements.

(6) The Award shall be binding on the parties to the dispute and on their successors and assigns and shall not be called in question in any civil or criminal Court or other judicial proceedings.

Limitation on notice of change.

14. No notice of change under section 10 shall be given in respect of a matter settled—

(*a*) by an agreement or settlement within six months from its registration, and

(*b*) by an award, within a year from its registration, provided that by consent of both parties an agreement to modify any such agreement, settlement or award, may be registered at any time.

Nature of proceedings before Conciliator and Court.

15. All proceedings before the Commissioner of Labour or a Conciliator or a Board or a Sole Arbitrator shall be confidential. Proceedings before a Court of Arbitration shall be public except where the Court directs its sittings to be *in camera*.

Commissioner, Conciliator and member of Board to be public servants.

16. The Commissioner, an Assistant Commissioner, a Conciliator, every member of the Board of Conciliation and Sole Arbitrator and every member of the Court of Arbitration shall be deemed to be a public servant within the meaning of section 21, Indian Penal Code as in force in Mysore.

Penalty for obstructing any person from carrying out his duties under this Act.

17. Any person who wilfully refuses entry to the Commissioner to any place which he is entitled to enter

under section 4 or who fails to produce any document which he is required to produce, or who fails to comply with any requisition or order issued to him by or under the provisions of this Act shall, on conviction, be punishable with fine which may extend to rupees one hundred and in respect of a continuing failure, with an additional fine of rupees twenty-five per day for every day during which such failure continues after the last conviction for such failure.

Procedure before the Conciliator and Court.

18. (1) In respect of every proceeding before them, the Conciliator, the Board of Conciliation, the Sole Arbitrator and the Court of Arbitration shall have the same powers as are vested in Courts under the Code of Civil Procedure, 1911, in respect of the following matters when trying a suit :—

(*a*) summoning and enforcing the attendance of any person and examining him on oath ;

(*b*) compelling the production of documents ;

(*c*) issuing commissions for the examination of witnesses ;

(*d*) proof of facts by affidavits ;

and shall have such further powers as may be prescribed.

(2) (*a*) Every proceeding before a Court of Arbitration shall be deemed to be a judicial proceeding within the meaning of sections 192, 193 and 228 of the Indian Penal Code, as in force in Mysore, and within the meaning of the Contempts of Courts Act, 1930.

(*b*) Parties before the Court of Arbitration may be represented by counsel.

(3) There shall be no award of costs in any proceeding under this Act.

Information furnished by a party to be treated as confidential.

19. (1) If a party to an industrial dispute giving any information or producing any document in any proceeding under this Act makes a request in writing to the Conciliator, the Board, the Sole Arbitrator or the Court, as the case may be, that such information or the contents of such document may be treated as confidential, the Conciliator, the Board or the Sole Arbitrator or the Court, as the case may be, shall direct that such information or document be treated as confidential.

(2) The Conciliator or any member of the Board or Sole Arbitrator or Court or any person present at or

concerned in any proceeding under this Act shall not disclose any information or the contents of any document in respect of which a request has been made under sub-section (1) without the consent in writing of the party making the request under the said sub-section.

(3) Nothing in this section shall apply to disclosure of any information or the contents of any document for the purpose of a prosecution under this Act or under any other law for the time being in force.

Penalty for disclosing confidential information.

20. If a Conciliator or a member of a Board or Sole Arbitrator or Court or any person present at or concerned in any proceeding under this Act wilfully discloses any information or the contents of any document in contravention of this Act, he shall, on a complaint made by the party who gave the information or produced the document in such proceeding and on conviction, be punishable with fine which may extend to rupees one thousand.

Illegal changes.

21. (1) No employer shall make any change in any industrial matter in regard to which a standing order has been settled under section 9 or which is mentioned in Schedule II before the agreement referred in sub-section 3 of section 10 is arrived at or where no such agreement is arrived at before the conciliation proceedings are completed or in cases where the dispute is referred to aribitration, before the award has been given.

(2) No employer shall make any such change in contravention of the terms of a Registered Agreement, a settlement or an award.

(3) Any change made in contravention of the provisions of sub-section (1) or (2) shall be illegal.

Penalty fo illegal changes.

22. (1) Any employer who makes any illegal change shall, on conviction, be punishable with fine which may extend to rupees five thousand and in the case of a continuing offence with an additional fine which may extend to rupees two hundred per day for every day during which the offence continues after his last conviction for such offence.

(2) An employer who acts in contravention of as tanding order settled under section 9 shall, on conviction, be punishable with fine which may extend to rupees one hundred and in the case of continuing contravention of such standing order,with an additional fine which may extend to rupees twenty-five per day for every day during which such contravention continues after his last conviction for such contravention.

Employer not to dismiss, reduce or punish an employee for being connected with an association.

23. (1) No employer shall dismiss or reduce any employee or punish him in any other manner by reason of the circumstance that the employee—

(*a*) is an officer or member of a Registered Association or of an association which has applied for being registered under this Act; or

(*b*) is entitled to the benefit of a Registered Agreement, settlement or award; or

(*c*) has appeared or intends to appear as a witness or has given evidence or intends to give evidence in a proceeding under this Act; or

(*d*) has gone on or joined a strike which is not illegal under the provisions of this Act.

(2) Whoever contravenes the provisions of subsection (1) shall, on conviction, be punishable with fine which may extend to rupees one thousand.

(3) Where the offence is one of wrongful dismissal, the Court shall direct that the employer shall pay the dismissed employee wages for the period he is kept out of employment, based on his average wages for the twelve months preceding the date of dismissal.

(4) Where the offence is one of wrongful reduction or other punishment, the Court trying any offence under this section may direct that out of the fine recovered, such amount as it deems fit shall be paid to the employee concerned as compensation.

Illegal strikes and lock-outs.

24. A strike or a lock-out shall be illegal which has any object other than or in addition to the furtherance of an industrial dispute within the industrial undertaking in which the strikers or employer locking-out are engaged.

Illegal strikes.

25. (1) A strike shall be illegal if it is commenced or continued—

(*a*) without giving notice in accordance with the provisions of section 10, and before the initiation of conciliation proceedings where an agreement is not arrived at;

(*b*) only for the reason that the employer has not carried out the provisions of any standing order or has made an illegal change;

(*c*) in cases where conciliation proceedings in regard to the industrial dispute to which the strike relates have commenced, before the expiry of 14 days after the publication of the report.

(*d*) in cases where the dispute has been referred to arbitration before an award has been given;

(*e*) in contravention of the terms of a Registered Agreement, settlement or award.

(2) In cases where conciliation proceedings in regard to any industrial dispute have been completed, a strike relating to such dispute shall be illegal if it is commenced at any time after the expiry of two months after the publication of the report.

Illegal lock-outs.

26. (1) A lock-out shall be illegal if it is declared, commenced or continued—

(*a*) without giving notice in accordance with the provisions of section 10, and before the initiation of conciliation proceedings where an agreement is not arrived at;

(*b*) in cases where conciliation proceedings in regard to the industrial dispute to which the lock-out relates have commenced before the expiry of 14 days after publication of the report;

(*c*) in cases where the dispute has been referred to arbitration, before an award has been given;

(*d*) in contravention of the terms of a Registered Agreement, settlement or award.

(2) In cases where conciliation proceedings in regard to any industrial dispute have been completed, a lock-out relating to such dispute shall be illegal if it is commenced at any time after the expiry of two months after the publication of the report.

Penalty for declaring an illegal lock-out.

27. Any employer who has declared a lock-out and continues it after it has been declared by the Registrar to be illegal shall, on conviction, be punishable with fine which may extend to rupees two thousand and five hundred and shall, in addition, be directed by the Court to pay the employees kept out of employment by such lock-out, wages for the period they are so kept out, based on the average earned by each employee during the twelve months preceding the com- mencement of the lock-out.

Penalty for declaring or commencing an illegal strike.

28. Any employee who has gone on strike and continues to be on strike or who joins a strike, after it has been declared by the Registrar to be illegal shall, on conviction, be punishabe with imprisonment of either description for a term which may extend to 15 days or fine which may extend to rupees twenty-five and in the case of a continuing offence with an additional fine which

may extend to rupee one per day for every day during which the offence continues after his last conviction for such offence subject to a maximum of rupees fifty.

Penalty for instigation, etc., of illegal strikes and lock-outs.

29. (*a*) If any person instigates or incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out which is declared to be illegal by the Registrar, whether such strike or lock-out has commenced or not, he shall, on conviction, be punishable with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Explanation.—For the purpose of this section, a person who contributes, collects or solicits funds for the purpose of any such strike or lock-out shall be deemed to act in furtherance thereof.

(*b*) Any person who instigates or incites an employer or an employee to secure relief in respect of an industrial matter, otherwise than through the provisions of this Act shall, on conviction, be punishable with imprisonment of either description for a term which may extend to three months or with fine or with both.

Liability of the executive of an association.

30. Where anything is required to be done by any association by or under any provision of this Act, the person authorised in this behalf by the executive of the association or if no person is so authorised every member of the executive of the association shall be bound to do the same and shall be personally liable if default is made in the doing of any such thing.

Explanation.—For the purpose of this section, executive of an association means the body by whatever name called to which the management of the affairs of the association is entrusted.

Certain Acts not to apply to Associations.

31. The following Acts, namely,—

(*a*) The Societies Registration Act, 1904,

(*b*) The Mysore Co-operative Societies Act, 1918,

(*c*) The Mysore Companies Act, 1938, and

(*d*) The Insurance Act, 1939,

shall not apply to any Registered Association and the registration of any association of industrial employees under any such Act shall be void.

32. No organisation of employees other than those constituted under this Act shall be recognised or permitted to be represented in any proceedings under this Act.

37
C

Persons acting in good faith not to be sued.

33. No suit or proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Immunity from civil suit in certain cases.

34. (1) No suit or other legal proceeding shall be maintainable in any civil Court against any Registered Association or any officer or member thereof in respect of any act done in contemplation or furtherance of an industrial dispute to which a member of the association is a party on the ground only that such act induces some other person to break a contract of employment, or that it is in interference with the industry, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

(2) A Registered Association shall not be liable in any suit or other legal proceeding in any civil Court in respect of any tortuous act done in contemplation or furtherance of an industrial dispute by an agent of the association if it is proved that such person acted without the knowledge of, or contrary to express instructions given by the executive of the association.

Enforcement of agreements.

35. Notwithstanding anything contained in any other law for the time being in force, an agreement between the members of a Registered Association shall not be void or voidable merely by reason of the fact that any of the objects of the agreement are in restraint of trade:

Provided that nothing in this section shall enable any civil Court to entertain any legal proceeding instituted for the express purpose of enforcing or recovering damages for the breach of any agreement concerning the conditions on which any member of an association shall or shall not work, or be employed.

Jurisdiction of Courts.

36. No Court inferior to that of a Magistrate of the First Class shall try offences under this Act.

Rules.

37. (1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following matters, namely,—

(*a*) the form in which the certificate of registration may be issued;

(*b*) the constitution of a Board or Court and the qualifications for a Special Conciliator, or member of a Board or of the Court;

(*c*) the fee to be paid on applications under this Act;

(*d*) the manner in which the total number of employees is to be computed for the purposes of this Act;

(*e*) the other powers of the several authorities under section 18;

(*f*) the manner in which standing orders may be submitted under section 9;

(*g*) the form in which notice of change is to be given and the persons to whom copies of such notice are to be sent under section 10;

(*h*) the form in which a statement of the case is to be forwarded to a Special Conciliator, Board or Court or Sole Arbitrator;

(*i*) the procedure to be followed by the several authorities under this Act;

(*j*) the registers to be maintained by the employer, and the returns and the information to be periodically furnished by him to the Commissioner of Labour or to other authorities for the purposes of this Act;

(*k*) the officers to be deemed as employers in respect of industrial undertakings owned by the Government; and

(*l*) the form in which the memorandum of agreement, settlement or the award shall be drawn up and the manner in which it shall be recorded and published by the Registrar.

(3) The Government may also prescribe a fine not exceeding rupees one hundred for a breach of any such rule.

(4) The rules made under this section shall be subject to the condition of previous publication in the official Gazette.

SCHEDULE I.

SECTION 9.

1. Classification of employees, *e.g.*, permanent, temporary, apprentices, probationers, etc.
2. Manner of notification to employees of periods and hours of work, holidays, pay days and wage rates.
3. Shift working.
4. Attendance and late coming.
5. Leave and holidays, conditions, procedure and authority to grant.
6. Liability to search and entry into premises by certain gates.
7. Temporary stoppages of work and rights and liabilities of employers and employees arising therefrom.
8. Termination of employment. Notices to be given by employer and employee.
9. Punishment for misconduct and the acts or omissions which constitute misconduct.
10. Means of redress for employees against unfair treatment or wrongful exaction on the part of the employer or his agent or servant.
11. Rules of discipline.

SCHEDULE II.

SECTION 10.

1. Reduction intended to be of permanent or semi-permanent character in the number of persons employed or to be employed not due to *force majeure*.
2. Introduction of rationalisation, efficiency or other new systems of work.
3. Starting, alteration or discontinuance of shift working otherwise than in accordance with the standing orders.
4. Withdrawal of any customary concession or privilege or change in usage.
5. Wages and total weekly hours of work.

N. MADHAVA RAU,
Dewan.

Printed by the Superintendent at the Government Press, Bangalore.